

REMARKS

Reconsideration of the subject application in view of the present amendment is respectfully requested.

By the present amendment, claims 1 and 5 have been canceled. Claims 11-13 have been added. Claims 2-3 and 6 have been amended to provide their proper dependency.

Based on the foregoing amendments and the following remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

The Examiner rejected Claims 1-4 and 6 under 35 U.S.C. §102(b) as being anticipated by DE 19 740 101 (DE '101) and rejected claims 1-5 as being anticipated by Birnbaum, U.S. Patent Publication 2003/0159397 (Birnbaum). Claim 5 was also rejected as being unpatentable over DE '701 in view of Birnbaum, and claim 6 was rejected as being unpatentable over Birnbaum in view of DE '101.

It is respectfully submitted that claims 2-4, 6, and 11-13 are patentable over the cited references. Specifically, claim 11 recites a hollow profile for positioning and guiding a connection part of an assembly system. The hollow profile is

formed of a flat material and has a plurality of side walls and at least one groove provided on an outer side of at least one of the plurality of side walls and having a cross-section corresponding to the shape of the connection part for longitudinally and laterally guiding the connection part. The groove has a bottom spaced from the outer side of the at least one of the plurality of walls by a depth that amounts from .5 to 2 times of a thickness of the flat material the hollow profile is formed of. The groove has two opposite, substantially flat side wall extending substantially perpendicular to the bottom and having an even section that extends over a substantial portion of the groove depth. The groove further has at least one mounting opening through which an element for securing the connection part with the hollow profile is extendable.

The hollow profile according to the present invention is designed for positioning and guiding of connection parts, e.g., add-on parts. The hollow profile of the assembly system is provided with grooves in which the connection parts are guided (page 2, last paragraph). However, the greater is the depth of the groove the smaller is the torsional load a hollow profile can withstand (page 3, 1st paragraph). Normally grooves having a low depth having side walls extending to the groove bottom at angle different from 90°, e.g. at an angle of 45° (page 4). If a connection part with rectangular bearing surfaces is loaded sidewise, with such a groove, its guidance in the longitudinal direction of a profile and the prevention of

the part from rotation is not insured (page 4, 1st paragraph). When the bearing surface of a connection part is complementary to the shape of such a groove, with a side load acting on the connection part, a force component would be produced that would extend at an angle to the direction of force acting on the connection part and that could lift the connection part out of the groove (page 4, 1st paragraph)

Applicants have found out that with substantially flat side walls of the groove extending substantially perpendicular to the groove bottom, and with the flat side wall having an even section extending over a substantial portion of the groove depth with the groove depth amounting to form .5 to 2 times of the thickness of the flat material the hollow profile is formed of, the static characteristic of a hollow profile made of a flat material are maintained to a most possible extent, and a reliable longitudinal and lateral guidance of a connection or add-on part along the hollow profile is insured. With a connection part having a shape corresponding to the groove cross-section, the connection part neither rotates nor is displaced sidewise, i.e., in a direction transverse to the longitudinal axis of the profile in its mounted condition on the profile. With the groove bottom being substantially flat, a flat contact between a connection part and a profile is insured, and the opposite side walls, which extend to the bottom substantially perpendicular are capable to absorb acting, on the connection part, forces (page 5, last paragraph).

It is respectfully submitted that a hollow profile recited in claim 11 is not disclosed or suggested in the prior art, including DE '101 and Birnbaum.

DE '101 discloses a hollow profile for use in the automotive industry (please note that DE '101 is to improvement of the profile of EPO 568 215 A1 that discloses a hollow profile that forms part of a roof frame of a motor vehicle (column 1, lines 19-21). In DE '101, the cross-section of the groove does not correspond to the shape of the connection part. DE '101 specifically states that “the profile of the add-on part need not correspond to the profile of the carrier profile” (column 1, lines 34-35). According to DE '101, that leads to saving of manufacturing costs. DE '101 states “This leads to saving of manufacturing costs as separate shaping of the add-on part can be eliminated” (column 1, lines 37-39). DE '101 further states that “Good stability can be achieved when advantageously the longitudinal groove are directed toward the add-on part (i.e. outwardly). Alternatively, ...the longitudinal groove can be directed away from the add-on part (i.e., inwardly) “(column 1, lines 49-53). While DE '101 mentions that the groove can have a rectangular profile (column 2, lines 46-47) it does not disclose that the side walls are flat and have an even section that extends over a substantial portion of the groove depth. On the contrary, judging from the drawing the transverse portion of the groove side wall (excluding the radius) extends over substantially less than a half of the groove depth.

From the foregoing discussion, it should be clear that DE '101 discloses a completely different hollow profile and, therefore, does not anticipate or make obvious the present invention, as defined by claim 11. On the contrary, if anything, DE '101 teaches away from the present invention.

In view of the above, it is respectfully submitted that claim 11 is patentable over DE '101.

It is further respectfully submitted that Birnbaum likewise does not anticipate or make obvious the present invention as defined by claim 11. In Birnbaum the hollow profile is used for suspending objects and not for positioning and guiding add-on pasts. Therefore, Birnbaum is not a particular relevant reference.

Further, even assuming, *arguendo*, that Birnbaum is a relevant reference, Birnbaum does not disclose a profile with at least one groove having flat side walls extending substantially perpendicular to the groove bottom. In Birnbaum, the side walls of the grooves extend at an angle to the bottom.

In view of the above, it is respectfully submitted that the present invention as defined by claim 1 is patentable over Birnbaum.

Claims 2-4, 6, and 12 depend on claim 11 and allowable as being dependent on an allowable subject matter.

Claim 13 recites an assembly system including a hollow member and a connection member secured thereto. Neither DE '101 nor Birnbaum discloses a system of claim 13.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in condition for final allowance, it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is

invited to telephone the undersigned.

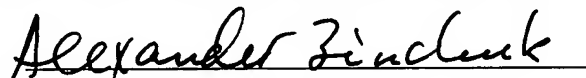
Respectfully submitted,

A handwritten signature in cursive script, reading "Alexander Zinchuk", written over a horizontal line.

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Alexander Zinchuk